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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,509

12/18/2003

Frederick W. Ryan Jr.

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EXAMINER

VETTER, DANIEL

ART UNIT

PAPER NUMBER

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DELIVERY MODE

05/11/2007

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,509	<b>Applicant(s)</b> RYAN ET AL.	
	<b>Examiner</b> Daniel P. Vetter	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/15/2004, 3/20/2006, 7/27/2006.

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### DETAILED ACTION

Claims 1-29 are pending in this application.

#### *Election/Restrictions*

1. Applicant's election with traverse of claims 14-29 in the reply filed on April 5, 2007 is acknowledged. The traversal is on the ground(s) that restriction is only proper when there would be a serious burden if restriction were not required, as evidenced by separate classification, status, or field of search. This is not found persuasive because the separate inventions have a separate status in the art and would require another field of search, as stated in the previous Office Action. Applicant therefore has not distinctly and specifically point out any supposed errors in the restriction requirement; nor offered or identified any evidence that the inventions are not distinct.

The requirement is still deemed proper and is therefore made FINAL.

#### *Claim Objections*

2. Claim 26 is objected to because of the following informalities: "a expected package period" appears to be a typographical error. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-17, 21-24, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery, et al., U.S. Pat. Pub. No. 2003/0220887 (Reference A of the attached PTO-892).

5. As per claims 14 and 21, Montgomery, et al. teaches a method for detecting fraud by a user of a shipping label [and transportation item] having an identifier comprising: receiving a print success indicator for the shipping label having a first identifier [and associated with the transportation item] (§ 0127); receiving a list of identifiers representing items processed by [and used in] a shipping stream (§ 0083); if the print success indicator is negative, reporting a potential fraud if the first identifier is present in the list of identifiers (§§ 0168, 0176); and if the print success indicator is positive, reporting a potential fraud if the first identifier is present at least twice in the list of identifiers (§ 0109).

6. As per claims 15 and 22, Montgomery, et al. teaches the methods of claims 14 and 21 as described above. Montgomery, et al. further teaches the list of identifiers is received periodically (§ 0117).

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7. As per claims 16 and 23, Montgomery, et al. teaches the methods of claims 14 and 21 as described above. Montgomery, et al. further teaches the list of identifiers comprise identifiers recognized for a period of time (§ 0086).

8. As per claim 17, Montgomery, et al. teaches the method of claim 15 as described above. Montgomery, et al. further teaches the list of identifiers is received daily (§ 0117).

9. As per claim 24, Montgomery, et al. teaches the method of claim 22 as described above. Montgomery, et al. further teaches the identifiers comprise identifiers from a plurality of sets of identifiers (§ 0087).

10. As per claim 28, Montgomery, et al. teaches the method of claim 21 as described above. Montgomery, et al. further teaches the transportation item is an item selected from the group: envelopes, post cards, postage labels, labels and packages (§ 0081).

11. As per claim 29, Montgomery, et al. teaches the method of claim 21 as described above. Montgomery, et al. further teaches the identifiers are selected from at least one set of identifiers wherein the set of identifiers includes one or more from the group: planet codes, delivery confirmation numbers, IBI indicia, identifiers including the combination of a piece count and permit number, and identifiers including the combination of a meter number and ascending register (§ 0095).

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*Claim Rejections - 35 USC § 103*

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery, et al.

14. As per claims 18 and 25, Montgomery, et al. teaches the methods of claims 16 and 23 as described above. Montgomery, et al. further teaches the list of identifiers comprises identifiers recognized during the prior one year (§ 0086). Montgomery, et al. does not teach the time period is the prior six months. However, it would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the time period is the prior six months into the method taught by Montgomery, et al. because this is merely an optimized range of time. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

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15. Claims 19, 20, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery, et al. in view of McFiggans, et al., U.S. Pat. No. 6,032,138 (Reference B of the attached PTO-892).

16. As per claims 19 and 26, Montgomery, et al. teaches the methods of claims 15 and 22 as described above. Montgomery, et al. does not teach reporting a potential fraud if an identifier having a successful print indicator is not recognized within an expected package period. McFiggans, et al. teaches reporting a potential fraud if an identifier having a successful print indicator is not recognized within an expected package period (column 2, lines 56-60). It would have been prima facie obvious to incorporate reporting a potential fraud if an identifier having a successful print indicator is not recognized within an expected package period into the method taught by Montgomery, et al. in order to automatically feed back information on undelivered mail (as taught by McFiggans, et al., column 2, line 60).

17. As per claims 20 and 27, Montgomery, et al. in view of McFiggans, et al. teaches the methods of claims 19 and 26 as described above. Montgomery, et al. further teaches the expected package period is one period selected from the group of one day, one week, one month and six months (§ 0169).



*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kara, et al., U.S. Pat. No. 6,249,777 (Reference C of the attached PTO-892) teaches a method for remote postage metering of postage indicia, including demanding a desired postage amount and subsequently printing the postage indicia onto a piece of mail. Sansone, et al., U.S. Pat. No. 6,064,995 (Reference D of the attached PTO-892) teaches a system that tracks when normal digital postage meter mail is received by an addressee wherein extracted mail data is periodically uploaded to a data center and compared with previously uploaded data. Lee, et al., U.S. Pat. No. 6,430,543 (Reference E of the attached PTO-892) teaches a method for processing controlled acceptance mail includes creating, at a first location, a batch of mail including a plurality of mailpieces, each of the plurality of mailpieces having unique indicia data printed thereon which identifies a source of creation of the batch of mail and a unique identifier for a corresponding one of the plurality of mailpieces upon which the unique indicia data is printed; generating, at the first location, a manifest containing all of the unique indicia data for each of the plurality of mailpieces; cryptographically protecting the manifest; sending the cryptographically protected manifest to a second location; verifying the authenticity of the cryptographically protected manifest at the second location; providing the batch of mail to a carrier distribution system for distribution; as

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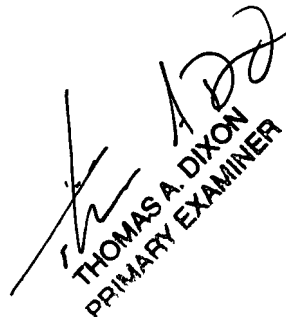
part of the carrier distribution system reading unique indicia data from selected mailpieces being distributed therein and sending the unique indicia data for each of the selected mailpieces to the second location; and comparing, at the second location, the unique indicia data received from the carrier distribution system for each of the selected mailpieces with all of the unique indicia data in the manifest to determine if any one of the unique indicia data received from the carrier distribution system matches any of the unique indicia data in the manifest.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
THOMAS A. DIXON  
PRIMARY EXAMINER